UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
GENERAL

CEDAW/C/SR.189
22 January 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eleventh session

SUMMARY RECORD OF THE 189th MEETING

Held at Headquarters, New York,
on Monday, 20 January 1992, at 10.30 a.m.

Chairperson: Ms. TALLAWY

CONTENTS

Opening of the session

Adoption of the agenda and organization of work

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION

1. Ms. SHANGZHEN made the solemn declaration required of new members of the Committee in accordance with rule 10 of the rules of procedure.

2. Ms. CHAFIKA MESLEM (Director, Division for the Advancement of Women) said that, in response to the recommendations made by the Committee at its tenth session, the Division for the Advancement of Women had prepared a number of reports to assist the Committee in its work.

3. The great upheavals that were taking place in the world were bound to have an impact on women everywhere; one of the most obvious consequences was a stronger and more widespread desire to achieve the objectives laid down in the United Nations Charter, often through democratization. The dominant concern was with de facto rather than mere de jure rights. The work of the Committee and of the Commission on the Status of Women in 1992 was of key importance in that broader movement. In considering the reports of States parties, the Committee had always been as much concerned with the implementation of rights as with their formal existence. Moreover, in 1992, it would be taking up the question of the informal sector, an area where the implementation of rights was particularly difficult.

4. The Committee's decision to analyse article 6 and other articles of the Convention relating to violence towards women and the sexual harassment and exploitation of women was linked to the many efforts being made in that sphere to translate general principles into everyday reality. The report by the Secretariat (CEDAW/C/1992/4) took up the question of traffic in women, in relation to article 6 of the Convention on the Elimination of All Forms of Discrimination against Women, and that of violence against women as reported by States parties under other articles of the Convention. Especially since the Committee's adoption of General Recommendation No. 12, many States parties had been reporting on violence against women. However, the haphazard nature of such reporting seemed to suggest that many States parties did not consider such violence to be covered implicitly by the Convention or were confused by the absence of a clear definition of violence against women.

5. The subject of violence would also be on the agenda of the next session of the Commission on the Status of Women, to be held at Vienna in March 1992. The Commission would have before it the recommendations of the Expert Group Meeting on Violence against Women, convened at Vienna in November 1991 in accordance with Economic and Social Council resolution 1991/18 which had recommended that a framework for an international instrument be developed that would explicitly address the issue of violence against women. That meeting had brought together experts representing all regions, as well as a representative of the Committee and a representative of the Committee on Crime Prevention and Control. It had been provided with the results of the analysis

(Ms. Chafika Meslem)

prepared for the Committee on the subject of violence. The experts had prepared a draft declaration on violence against women, for submission to the Commission on the Status of Women and to the General Assembly. That declaration would include a definition of violence against women and, if adopted, would be a first step towards incorporating the issue of violence against women into international law. Any comments the Committee might wish to make on the report of the Expert Group Meeting would be transmitted to the Commission.

6. There were other points of convergence between the work of the Committee and that of the Commission. One priority theme for the Commission in 1992 was the elimination of de jure and de facto discrimination against women, particularly where political participation by women was concerned. In 1993, the Commission would take up the issue of educating women about their basic rights; in preparation for that work, the Division would be organizing a meeting of experts at Bratislava, Czechoslovakia, in 1992.

7. There was growing concern about ensuring that women's rights were taken into account in the work of human rights treaty bodies and of the Commission on Human Rights. The General Assembly, in its resolution 46/98, had recommended that the Committee secretariat should participate in the preparatory work for the 1993 World Conference on Human Rights and in the Conference itself. The Committee's work was thus part of a broader and ever-growing process of identifying the problems of the advancement of women and formulating concrete measures for promoting it.

8. Seven new States - Burundi, the Central African Republic, Estonia, Israel, Malta, Nepal and the Netherlands - had become parties to the Convention. There were still 62 States that were either members of the United Nations or had observer status with it which had yet to become parties to the Convention. However, in all regions except Asia and the Pacific, the number of States that were parties to the Convention was greater than the number who were not. A growing number of States parties had submitted one or more reports to the Committee. In 1991, 15 periodic reports had been received. The Division had assisted some countries at their request, with the process of ratification of the Convention or with the preparation of reports, as part of its regular technical cooperation programme. As of 1992, the Division staff would include an interregional adviser, one of whose main tasks would be to assist States parties in the preparation of their reports. There were 27 reports awaiting consideration by the Committee; to avoid a backlog and undue delays in the consideration of reports, the Committee might wish to recommend that its next session should be extended. Since that request would have financial implications, it would have to be approved by the General Assembly.

9. The Economic and Social Council, in its resolution 1991/25, had wecomed the general recommendations contained in the Committee's report on its tenth session. It had urged that the provision of training in the implementation of the Convention be strengthened and had recommended that the strengthening of

(Ms. Chafika Meslem)

substantive and technical support for the Committee should be a priority. It had also recommended that a close relationship be maintained between the Committee, the Committee on the Rights of the Child and other United Nations human rights bodies and between the secretariats of those Committees. The General Assembly, at its most recent session, had taken note of the Committee's report. However, as part of the rationalization of its work, the Third Committee would henceforth consider the status of the Convention and any relevant recommendations only every two years and would next take up the item in 1992.

10. Three innovations recommended at the tenth session were to be put into effect at the current session. First, the Division had prepared, for each of the reports of States parties to be considered by the Committee, an analysis of how the report complied with the Committee's guidelines; it had also provided additional statistics from United Nations data banks. In cases where the State party had submitted reports to other treaty bodies, cross-referencing was provided. The Division needed to know whether that assistance was useful; it should be noted that such assistance was not provided by the secretariats of other treaty bodies. A second innovation was the general distribution of pre-session documents to assist the Committee in analysing certain articles - in 1992, article 6 and other articles relating to violence - and in formulating general recommendations on specific topics arising from consideration of States parties' reports - in 1992, the informal sector and development assistance. In a fourth document (CEDAW/C/1992/7), the Secretariat described the implications for the work of the Committee of the priority themes of the Commission on the Status of Women. She drew attention to the issue of positive action, which came under article 4, and the problems of women in decision-making positions, which came under articles 7 and 8. A third innovation was that information from the specialized agencies of the United Nations system was now being presented in a public document so that the agencies could contribute to the consideration of reports and the preparation of analyses and general recommendations by providing both general and specific information to the Committee.

11. There were now 111 States parties to the Convention, and a corresponding volume of initial and periodic reports; moreover, the Committee had made numerous requests for increased assistance from the Secretariat in the preparation of its sessions. All that additional work had been absorbed without any increase in the personnel of the Division and despite a 15 per cent reduction in its staff three years previously; there had also been no increase in financial resources except for travel and subsistence allowances for members of the Committee, and for members of the Secretariat when meetings were held in New York. If the Committee decided to request an extended session, it would be easier to hold such a session at Vienna, since the entire staff of the Division was available there. The innovations described above had forced her to redeploy resources intended for the preparation of the World Conference. The Division's task had not been easy, because the Committee's documents had to be prepared at the same time as

(Ms. Chafika Meslem)

documents for the Commission. The work done for the current session represented the absolute maximum that the Division could achieve. She hoped that States parties to the Convention and members of the Committee would understand that the Division had reached the limits of its capacity and could not take on any additional work without an increase in personnel.

12. The CHAIRPERSON said that in accordance with rule 14 of the Committee's rules of procedure, the officers elected by the Committee at its tenth session would continue to hold office at the eleventh session. They were: Ms. Tallawy (Egypt), Chairperson; Ms. Alfonsin de Fasan (Argentina), Ms. Akamatsu (Japan) and Ms. Ilic (Yugoslavia), Vice-Chairpersons; and Ms. Laiou-Antoniou (Greece), Rapporteur.

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK (CEDAW/C/1992/1; CEDAW/C/1992/CRP.1)

13. The provisional agenda and the programme of work were adopted.

14. The CHAIRPERSON announced that Ms. Sinegiorgis would be unable to attend the Committee's current session.

15. The CHAIRPERSON said that membership of the Committee's two working groups would be open ended. Each working group would elect its own Chairperson. The mandate of Working Group I would be to examine issues arising from the report of the pre-session working group; to decide which countries' reports should be considered at the next session, and the duration of that session; to consider the Committee's contribution to the World Conference on Human Rights, the 1995 World Conference on Women and the International Year of the Family (1994); to consider issues for the fourth meeting of chairpersons of human rights treaty bodies and what issues the Committee should emphasize at that meeting; to make general observations following the presentation of States parties' reports; to draw up a programme of work for the twelfth session and to draft a provisional agenda for that session.

16. Working Group II was to consider recommendations pending from the tenth session, at which attention had been focused on women workers in enterprises, teacher training on equality issues, and women in the informal sector. It was also to consider a recommendation on violence. According to a decision taken at the tenth session, the current session would focus on article 6 of the Convention. Analysing that article would require considerable effort, however, as it covered violence, sexual harassment and other related issues.

17. The Committee should be prepared for the World Conference on Human Rights in 1993, if only to the extent of having an interpretation ready of all articles of the Convention. Women's rights were human rights and unless that point was stressed, the Committee might miss the opportunity offered by the Conference. At the least, a detailed definition of the meaning of each article was necessary.

18. Ms. EVATT noted that although Working Group I had a very heavy agenda, it should not neglect the question of the assistance the Committee received from the Secretariat, notably the preparatory documentation.

19. She said that, although the question of violence against women had been assigned to Working Group II, no decision had been taken on how to respond to decisions of the Commission on the Status of Women and of the Economic and Social Council, or to the report of the Expert Group Meeting on Violence against Women, held at Vienna in 1991. In her view, the Committee should give priority to its own agenda, not to its response to statements and decisions of other bodies.

20. Ms. CORTI said that the Committee should, at least, have been informed of the intention to convene the Expert Group Meeting so that it could have participated in an advisory capacity. Interaction among the various human rights bodies was more essential than ever, and no single body should adopt resolutions or issue recommendations without consulting the Committee. With respect to the report of the Expert Group Meeting, she wondered to what extent that document and the recommendations contained therein should serve as a basis for the deliberations of Working Group II.

21. Ms. BUSTELO GARCIA del REAL said it appeared that the Committee was being asked to give an opinion on the various alternatives set forth in the report of the Expert Group, such as the possibility of a new international human rights instrument or mechanism. Apart from its comments on that report, the Committee should consider making a general recommendation, along the lines of its General Recommendation No. 12, on the issue of violence against women. The Committee might also wish to make a recommendation regarding article 6 of the Convention, which concerned prostitution and traffic in women, either as a separate recommendation or as part of a general recommendation.

22. Ms. CHAFIKA MESLEM (Director, Division for the Advancement of Women) said that the resolution of the Commission on the Status of Women, which had been endorsed by the Economic and Social Council in its resolution 1991/18, had been based on the Committee's General Recommendation No. 12. The Expert Group Meeting on Violence against Women had been organized in response to paragraph 6 of Economic and Social Council resolution 1991/18, which called for the convening in 1991 or 1992 of a meeting of experts to address the issue of violence against women.

23. Ms. BERNARD said she agreed with Ms. Corti that the Committee should have been involved in the Expert Group Meeting, and wished to know the basis on which the experts had been selected.

24. Ms. GONZALEZ MARTINEZ said that the Committee, as the body which monitored the implementation of the only international instrument that referred directly to the situation of women, should have been consulted by the Economic and Social Council when it had decided to request the Secretary-General to convene a meeting of experts. Although the involvement of various bodies in considering ways to eliminate violence against women

(Mrs. Gonzalez Martinez)

reflected the seriousness of the problem, it also threatened to waste resources through duplication of work and a multiplicity of forums and recommendations that could prove overwhelming to Governments. It was therefore important for the United Nations Secretariat to fulfil its role of coordinating international work on women's issues. Moreover, violence against women was not the only issue that was not dealt with explicitly in the Convention, and the Committee should avoid singling it out for special treatment.

25. Ms. AOUIJ said that an additional protocol on violence against women could be useful as a means of defining such violence and inducing States to include provisions in their legislation that specifically prohibited violence against women.

26. Ms. SCHOPP-SCHILLING said that she would prefer a broad interpretation of the existing Convention to a new international instrument on violence against women, because the power to stop such violence would be spread too thin if it relied on too many different instruments. The Committee should opt for either a protocol or an established practice of writing commentaries on the issue of violence.

27. The CHAIRPERSON said that the question of drafting a separate protocol on violence against women raised the issue of whether separate protocols for certain problems would appear to reflect on their relative importance in a discriminatory way.

28. Ms. CHAFIKA MESLEM (Director, Division for the Advancement of Women) said that the selection of experts for the Vienna meeting had been based on the desire to obtain a wide range of specializations and geographical representation. It should be noted that the Expert Group had not made any proposals, but had only considered various approaches to eradicating violence against women.

29. Ms. FORDE said that, since General Recommendation No. 12 provided for the monitoring of measures to eradicate violence against women, no other formal steps were necessary. Although additional information, discussions and comments could be useful, General Recommendation No. 12 represented a basic approach to dealing with the problem.

Report of the pre-session working group

30. Ms. EVATT, Chairperson of the pre-session working group of the eleventh session, introduced the group's report, which dealt with the second periodic reports of six States parties. No attempt had been made to impose the same format on each State's report. In commenting on States' implementation of the Committee's recommendations, the pre-session working group had instead been guided by the characteristics of each State party.

The meeting rose at 1.10 p.m.